

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH PAUSHA 1928

OP.No. 15982 of 1999(C)

PETITIONER:

**S.SUNILKUMAR, PUTHUMANA VEEDU,
NEDUMKADU, KARAMANA P.O., MANACAUD,
THIRUVANANTHAPURAM.**

BY ADV. SRI.N.NANDAKUMARA MENON

RESPONDENTS:

- 1. THE REVENUE DIVISIONAL OFFICER,
THIRUVANANTHAPURAM.**
- 2. THE TAHSILDAR, TALUK OFFICE, THIRUVANANTHAPURAM.**
- 3. THE SUB INSPECTOR OF POLICE,
FORT POLICE STATION, THIRUVANANTHAPURAM.**
- 4. B.LALITHA BAI, T.C. 21/430. PUTHUMANA AMMA VEEDU,
KARAMANA, THIRUVANANTHAPURAM. (EXPIRED)**
- 5. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.**

ADDL.6TH RESPONDENT IMPLEADED.

- 6. SMT.SHEELA, AGED 50 YEARS, RESIDING AT T.C. 21/430,,
PUTHUMANA AMMA VEEDU,
KARAMANA, THIRUVANANTHAPURAM.**

IS IMPLEADED AS ADDL.R6 VIDE ORDER DT.9.11.2004 IN IA. 15209/99.

**BY ADV. SRI.P.S.RAMESH KUMAR
GOVERNMENT PLEADER SMT.SMITHA SUKUMARAN
SMT.ANNAMMA ABRAHAM**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR, J.

O.P.NO.15982 of 1999-C

Dated this the 3rd day of January, 2007

JUDGMENT

The petitioner claims title over 5 cents of land, comprised in Sy.No.3170/28 of Manacaud Village in Thiruvananthapuram Taluk, through his father. When he moved for mutation of the said property, the Tahasildar rejected it by Ext.P2. The petitioner appealed. The appeal was dismissed by the R.D.O., by Ext.P6. He filed a revision before the District Collector. That revision was dismissed by Ext.P9. This Court quashed Ext.P9 and directed the District Collector to reconsider the revision. The District Collector again dismissed the revision by Ext.P18. The petitioner challenges Exts.P2, P6 and P18 on various grounds.

2. After the death of 4th respondent, her legal representative who is impleaded as the 6th respondent in the original petition, has filed a counter affidavit. The second respondent has also filed a counter affidavit.

3. Heard. The dispute raised in this original petition cannot be resolved under Art.226 of the Constitution of India. The petitioner has to move the competent Civil Court, to establish his

right over the property. If, he succeeds in that endeavor, he can move the Tahsildar under Rule 16 of the Transfer of Registry Rules, 1966 which reads as follows:

Rule 16:

"The summary enquiry and decision thereon is only an arrangement for fiscal purposes and does not affect the legal rights of any person in respect of the lands covered by the decisions in transfer or registry cases. The question of legal rights is always subject to adjudication by Civil courts and pattas will be revised from time to time in accordance with judicial decisions."

4. Going by the above Rule, the decisions of the authorities in transfer of registry cases are taken only for fiscal purposes and such decision do not affect the legal rights of any person in relation to the land concerned. So, in view of Rule 16 of Transfer of Registry Rules, the original petition is closed giving liberty to the petitioner to move competent Civil Court, to seek appropriate reliefs. The contentions of both sides are left open.

K.BALAKRISHNAN NAIR,JUDGE.

MS

K.BALAKRISHNAN NAIR, J.

O.P. No.15982 of 1999-C

J U D G M E N T

DATED 3rd JANUARY,2007
